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6	UNITED STATES DISTRICT COURT
7	DISTRICT OF NEVADA
8	* * * *
9	UNITED STATES OF AMERICA,) Case no. 3:13-cr-00081-LRH-VPC
10	Plaintiff,) ORDER
11	vs.) ORDER
12	JOSE VALDEZ-ESPINAL,
13	Defendant.
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15	Rene L. Valladares, Federal Public Defender, and Nisha Brooks-Whittington, Assistant
16	Federal Public Defender, have filed a motion to withdraw (#31) as defendant's counsel of record.
17	The court received and reviewed the reduction of sentence report on defendant prepared by
18	Probation. The report concludes defendant is ineligible for a sentence reduction pursuant to 18
19	U.S.C. § 3582(c)(2), Amendment 782, and pursuant to U.S.S.G. § 1B1.10, effective November 1,
20	2014, as he was originally sentenced pursuant to a two-level downward variance applied in
21	anticipation of the amended guidelines. The court confirms this history and would not, therefore,
22	grant further relief to defendant.
23	The court appointed defendant counsel to determine whether he qualifies for a reduction
24	of sentence. Based upon Probation's report, counsel does not intend to file a motion for a
25	reduction. The court will therefore grant the motion to withdraw.
26	Before being granted counsel, defendant filed a motion (#28) seeking Discretionary
27	Relief pursuant to 18 U.S.C. § 3582(c)(2). The court does not find a response from the United
28	States Attorney's office is necessary for a ruling on defendant's motion. The defendant was

originally sentenced pursuant to a two-level downward variance applied in anticipation of the amended guidelines and is therefore not entitled to a reduction. Accordingly, IT IS HEREBY ORDERED that defendant's counsel's motion to withdraw (#31) is **GRANTED**. IT IS FURTHER ORDERED that defendant's motion seeking Discretionary Relief pursuant to 18 U.S.C. § 3582(c)(2) (#28) is **DENIED**. IT IS SO ORDERED. DATED this 17th day of December, 2015. UNITED STATES DISTRICT JUDGE

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